

Prob 12  
(Rev. 3/88)

**UNITED STATES DISTRICT COURT  
For The  
WESTERN DISTRICT OF PENNSYLVANIA**

**U.S.A. vs. Frederick Michael Delfino**

**Docket No. 03-00036-001 Erie**

**Petition on Supervised Release**

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Frederick Michael Delfino, who was placed on supervision by the Honorable Sean J. McLaughlin, sitting in the Court at Erie, Pennsylvania, on the 7th day of January 2004, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm or destructive device.
- The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.
- The defendant shall pay the remaining restitution through monthly installments of not less than 10 percent of his gross monthly income.
- The defendant shall provide the probation officer with access to any requested financial information.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- The defendant shall make restitution to Northwest Savings Bank in the amount of \$1,844.
- The defendant shall pay to the United States a special assessment of \$100.

01-07-04: Bank Robbery; Sentenced to 37 months' custody of the Bureau of Prisons, to be followed by 3 years' supervised release.

10-17-06: Released to supervision; Currently supervised by U.S. Probation Officer David J. Conde.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:**

Your Petitioner reports that the supervised releasee has violated the following conditions:

**The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.**

Mr. Delfino was required to report every Monday in person to the Probation Office and call the Probation Office every Thursday, all for the purpose of continued monitoring and drug testing. Mr. Delfino failed to report to the Probation Office on November 1, 5, and 8, 2007. On November 15, 2007, Mr. Delfino was instructed to continue reporting to the Probation Office twice a week for drug testing and monitoring. However, Mr. Delfino failed to report to the Probation Office on November 23, 26, and 29, 2007.

**The defendant shall not illegally possess a controlled substance.**

**The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**

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Urine specimens obtained from Mr. Delfino on October 18, 22, and 29, 2007, tested positive for cocaine. The positive tests were confirmed by Kroll Laboratory Specialists, Incorporated. On November 15, 2007, Mr. Delfino admitted to using crack cocaine and further admitted that he had last used on November 15, 2007. Mr. Delfino provided a urine sample on November 19, 2007, which tested positive for cocaine.

**The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.**

Mr. Delfino has been required, since July 12, 2007, to attend outpatient drug and alcohol counseling through Gaudenzia/Crossroads. Mr. Delfino was to participate in weekly individual and group counseling sessions. Mr. Delfino failed to attend drug and alcohol counseling during the weeks of October 29, 2007; and November 5, 2007.

PRAYING THAT THE COURT WILL ORDER that a bench warrant be issued for the arrest of the releasee for alleged violations of supervision and that bond be set at \$ 5000.00.

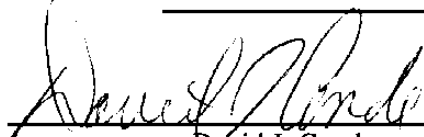
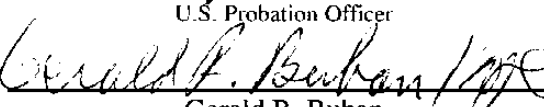
I declare under penalty of perjury that the foregoing is true and correct.

#### ORDER OF COURT

Considered and ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ and ordered filed and made a part of the records in the above case.

\_\_\_\_\_  
 U.S. District Judge

Executed on December 3, 2007

  
 David J. Conde  
 U.S. Probation Officer  
  
 Gerald R. Buban  
 Supervising U.S. Probation Officer

Place: Erie, PA

**FILED**

DEC - 3 2007

CLERK OF DISTRICT COURT  
 U.S. DISTRICT COURT  
 ERIE, PA